

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARIA L JARAMILLO,

Plaintiff,

vs.

Civil No. 14-298 SMV

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

**ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

THIS MATTER is before the Court on Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support [Doc. 27], filed on August 3, 2015. **The parties have stipulated to EAJA fees in the amount of \$6,000.00 for work performed in 2014 and 2015.** The Court being otherwise fully advised in the premises, FINDS that the motion is well-taken and will be **GRANTED in part.**

IT IS THEREFORE ORDERED THAT the motion is **GRANTED in part**, and Plaintiff is awarded \$6,000.00 in attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See Astrue v. Ratliff, 560 U.S. 586, 591-93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.



THE HONORABLE STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

/s/Michael D. Armstrong

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Email Approval on 8/17/15

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